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Chairperson: Miss MASON

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CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Pakistan (CRC/C/3/Add.13) (continued)

1. The CHAIRPERSON recalled that the Committee had already begun its consideration of the initial report of Pakistan on the basis of the list of issues in document CRC/C.5/WP.1 and the written replies of Pakistan.

2. Mr. HASHMI (Pakistan) said he wished first of all to draw the attention of members of the Committee to the replies recently given by the competent departments of the Pakistan Government to the observations and comments offered at the Committee's previous meeting. According to "The Progress of Nations", published in 1993 by the United Nations Children's Fund (UNICEF), the rate of infant mortality was 138 per thousand live births. Forty per cent of children under five years of age suffered from malnutrition, and only 37 per cent of all children reached the fifth year of primary schooling. That was unfortunate, but there were certain areas in which Pakistan could be proud of its actions. Seventy-one per cent of children aged less than one year and 86 per cent of children aged 12 to 23 months had been vaccinated against measles, tuberculosis, poliomyelitis, diphtheria, tetanus and pertussis. Pakistan's priorities were immunization, expanded use of oral rehydration salts, treatment of acute respiratory infections and anaemia among children and women, control of the marketing of breast milk substitutes and treatment of iodine deficiency disorders.

3. Pakistan had a number of problems, however, including a population growth rate estimated at 3.3 per cent and a mean number of births per woman of 6.3, as against the world average of 3.4. The high rate of illiteracy, together with religious prejudices, were proving to be serious obstacles in the battle for demographic improvements; meanwhile, population growth was provoking a rural exodus that was playing havoc with all the efforts made to alleviate poverty.

4. The geopolitical situation in southern Asia was another obstacle to improvement. The Indian occupation of Kashmir was a constant source of tension in the region. India and Pakistan were spending exorbitant amounts on defence, whereas ideally that money would be used for education and health.

5. Until Ms. Benazir Bhutto had come to power, Pakistan had been subject to great political instability which had also meant that the situation of children had unfortunately not improved. The Government led by Ms. Benazir Bhutto believed that the proper implementation of the Convention on the Rights of the Child could revolutionize the status of children. That was why the Government welcomed the suggestions and comments made by members of the Committee, which were part of a constructive dialogue that could only benefit Pakistan children.

6. Some of the Convention's provisions had already existed in Pakistan's legislation even before the country's ratification of the Convention. In some cases, however, the legislation was not properly enforced. Pakistan was an Islamic republic, and Islam was its State religion. Many of the Islamic laws had not been codified and varied from sect to sect. That was why some laws

were controversial and subject to varying interpretations by the courts and religious scholars, depending on their school of thought and ideological outlook. It was no easy task to adopt legislation on certain subjects, as it might lead to controversy. Though that could not be used as an excuse for not improving the status of children, it must not be lost from sight that Pakistan was a third world country suffering from a dearth of funds.

7. The CHAIRPERSON invited members of the Committee to proceed with their questions.

8. Mrs. SANTOS PAIS said she wondered why Pakistan legislation referred frequently to "citizens" and not to "children under the jurisdiction of Pakistan". Some rights were not explicitly recognized by Pakistan legislation, including the right to a name at birth and the right to be educated by one's parents. If certain rights provided for under the Convention were not guaranteed by domestic legislation, the Convention should be incorporated in full into domestic legislation. Failing explicitly to recognize certain rights was tantamount to overlooking or denying them.

9. With regard to abuse, cruel, inhuman or degrading treatment or punishment and torture, the Pakistan Government had indicated that no one could be tortured for the purpose of obtaining information. The wording of that statement was ambiguous, since it implied that some people could be tortured for other reasons, and that surely did not reflect the will of the Pakistan Government.

10. Concerning criminal responsibility, she found it strange that criminal penalties could not be imposed on a child aged less than seven years, whereas he could be accused of a crime. Under Pakistan law, the age-limit for criminal responsibility, deprivation of liberty, life imprisonment and capital punishment appeared to contradict the provisions of the Convention, article 37 (a) of which provided that neither capital punishment nor life imprisonment should be imposed for offences committed by persons below 18 years of age. The minimum age for criminal responsibility must not be set too low. A seven-year-old child could not understand what a criminal offence was and what his or her criminal responsibility was. She hoped the Pakistan Government would look into that issue.

11. The information on children subject to abuse and neglect was insufficient. Drug abuse was, of course, a cause for concern, but it was not the only type of abuse. What was the situation with regard to the rape of minors, kidnapping of children for illegal transport to the Gulf countries, where they were used as jockeys in camel races, and forced labour? Those problems deserved at least as much attention as did drug abuse.

12. Finally, she recalled that Pakistan law prohibited the marriage of children and set out penalties for parents who arranged such marriages. Nevertheless, the marriages remained valid, even if penalties were imposed against the parents. Pakistan should take vigorous steps to deal with that problem.

13. Mr. HASHMI (Pakistan) explained that no law in Pakistan made it obligatory to give a name to a child, but that, according to tradition, a

child was given a name immediately after birth. In practice, therefore, the situation was satisfactory, even though it might be desirable for a specific provision on the matter to be incorporated in legislation. The other comments made by Mrs. Santos Pais would be transmitted to the Pakistan Government.

14. Mr. MOMBESHORA inquired whether Pakistan had an ombudsman-type institution and, if so, whether women and children frequently had recourse to it. If there was no such institution, were people able to bring actions on grounds of violations of their rights? Had the Government implemented programmes to inform the population about its rights?

15. Mr. HAMMARBERG suggested that, in order to avoid any misunderstanding, the representative of Pakistan should state unequivocally that the presence of various sects in no way signified that the Government was incapable of discharging its responsibilities or of fulfilling its obligations to ensure the implementation of the Convention throughout the country. Even if the various sects deserved respect, and even if the Pakistan Government favoured some decentralization, certain fundamental rules must be applicable country-wide.

16. On the subject of abuse, it should be recalled that the Convention's philosophy was that children must under no circumstances be mistreated. It was essential that Governments should take decisive measures to prevent children from being the victims of ill-treatment. He considered the steps taken by Pakistan in that field to be inadequate. The problem of abuse of children in families and schools and other institutions must be dealt with more aggressively.

17. Mrs. EUFEMIO said that abuse was not merely physical in nature, it could also be psychological. According to a document from the "Regional Asian Secretariat of Rehabilitation of Survivors of Organized Violence", children in Pakistan were subjected to psychological torture in prisons and in rehabilitation centres.

18. Mr. HASHMI (Pakistan) said that for a decade now there had been an institution in Pakistan which played a role equivalent to that of an ombudsman and made it possible to resolve certain problems more rapidly than through other mechanisms. The Pakistan Government would analyse the possibility of establishing either the position of ombudsman or a special department within the organization he had just mentioned that would concern itself exclusively with children.

19. In order to publicize the Convention and the rights enunciated in it, the Government was translating it into the various regional languages. Unfortunately, less than one person in three was able to read. That was why the Government had stepped up its struggle against illiteracy, which it considered to be one of its main tasks.

20. With regard to the very numerous sects in Pakistan, he said that the Government intended to discharge fully and impartially its responsibilities for the application of the law.

21. In Pakistan, parents often spanked their children, as did parents in most countries. That was a matter of social custom and education and there was no need to adopt legislation to deal with it. What mattered was how parents took care of their children and gave them guidance. As for physical abuse of children, such treatment had not only physical but also psychological consequences which could last an entire lifetime. That was why the Government was trying to combat such practices, particularly in reform institutions.

22. The CHAIRPERSON asked the Pakistan delegation to specify its Government's position on sects, especially in terms of respect for the law. She would also like to know whether, given the high rate of illiteracy, the Pakistan Government was using any vehicles other than the written word to publicize the Convention.

23. Mr. HASHMI (Pakistan) replied that the Pakistan Government had launched information campaigns through radio and television.

24. The CHAIRPERSON suggested that the Government should also find ways of reaching people who did not possess a radio or television, particularly in rural areas.

25. Mr. KOLOSOV said he wondered whether all births of children were duly recorded. It might be necessary to adopt legislation on that subject. He found it strange that abandonment of a child over 12 years of age should not be punishable by law, and that a child found guilty of certain crimes could be deprived of nationality. Finally, the law of 1992 abolishing forced labour should be applied more vigorously: according to information available to the Committee, forced labour was still a widespread practice, but local authorities often turned a blind eye to it.

26. Mr. HAMMARBERG said there was no doubt that children needed guidance, but that it was through dialogue and education, and not through violence, that such guidance should be given. Article 19 of the Convention obliged States parties to take all appropriate measures to protect the child from all forms of physical or mental violence, whether within the family or in children's institutions. Information should be given on the stage at which social workers could intervene in the family to protect children whose physical and mental integrity was being threatened. Pakistan should be inspired by measures adopted in other countries to protect children against violence in the schools, in prisons, in police stations and in their own families.

27. Mrs. EUFEMIO said it was regrettable that Pakistan's National Programme of Action for Children in the 1990s did not address the civil rights of children, the family environment and children in difficult situations. It would be desirable for the Programme of Action to be updated regularly.

28. Mrs. SANTOS PAIS said it was surprising that Pakistan, where such great importance was attached to the family, had not incorporated in its legislation the right of the child not to be subjected to abuse. There was reason to fear that the prohibition of invasion of privacy might be used to prevent outsiders from checking on what was happening within the family.

29. According to article 5 of the Convention, parents had the responsibility, right and duty to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention. While the age of a child must be borne in mind, his opinion must also be taken into consideration at all times. That provision was a revolutionary one that must be respected.

30. In its written replies to the questions set out in the list of issues (CRC/C.5/WP.1), the Pakistan Government had indicated that if a child ran away from the domicile of the person responsible for him, the child was arrested, apparently without being able to give his version of the events. Was that the case even if the child had been mistreated? Was that measure consistent with article 12 of the Convention and with article 37, according to which arrest must be used only as a measure of last resort? Perhaps the legislation and practice in that area should be revised.

31. It had been indicated that, in Pakistan, adoption was not expressly recognized but that it was not illegal. That meant that it was authorized and, consequently, that all the guarantees provided for in article 21 of the Convention should apply.

32. Mr. MOMBESHORA said that since adoption was neither recognized nor prohibited by law, he would like to know what measures were taken to protect children who were adopted. He would also like clarification on the obligation to fulfil maintenance obligations. Finally, he wished to know whether the provision of a dowry was common in Pakistan, whether the practice had augmented in the wake of the economic crisis and what steps were being taken to restrict its use, since it often caused marriages to fail, with the principal victims being women and children.

33. Mr. HASHMI (Pakistan), replying to the questions just raised, said it was true that children were often the victims of abuse and that the law should give them better protection. Nevertheless, it was extremely difficult to determine the point when the State should intervene in family matters. The family was the unit best qualified to protect the child: where did the rights of the child end and the rights of parents begin? Was it appropriate that a 10-year-old child should be able to institute judicial proceedings, as was the case in the United States, because he no longer wished to reside with his parents? To what extent was a child capable of saying that his parents had mistreated him? What should be considered an act of abuse? He would like members of the Committee to help him to answer all those questions.

34. Mr. MOMBESHORA said it was highly important that a child who felt he had been subjected to ill-treatment within his family should be able to lodge a complaint: obviously, his case must be heard by a competent individual who could decide whether his complaint was well-founded.

35. Mrs. SANTOS PAIS, referring to the question of State intervention in family matters, said she would urge the Pakistan authorities to incorporate in their legislation the Convention on the Rights of the Child, particularly

articles 9, 19 and 37 thereof, which were aimed at ensuring that the child was treated and respected as a human being. In order to achieve that goal, teachers and medical staff, inter alia, must receive appropriate training.

36. Mr. HASHMI (Pakistan) said he agreed and added that family courts were there to intercede in the event of conflict in the family. Nowadays, greater importance was attached to the testimony of children, and they were sometimes given more credence than were adults, who had a very different outlook.

37. With regard to the instances of forced labour mentioned by Mr. Kolosov, he admitted that the law adopted on the subject in 1992 was not yet being fully applied, and that urgent measures must be adopted to translate into reality the progress made in the legal field.

38. The CHAIRPERSON asked the Pakistan delegation to reply to the questions on adoption and dowry.

39. Mr. HASHMI (Pakistan) said that it was not because adoption was not covered by the law that it was prohibited. There again, it was more a matter of tradition and custom, which differed from those in the West, than of legislation. He was unable to give a more detailed reply, but assured the Committee that he would transmit its questions to the competent authorities in his country.

40. With regard to the dowry, he admitted that abuses existed. In some families, women remained unmarried because they did not have an adequate dowry. A law on the subject set a limit for expenditure connected with a marriage. The problem was particularly prevalent in rural areas. The role played by parents in marriages made things easier for daughters, who were not obliged to look for a husband.

41. Mr. HAMMARBERG asked whether judges in family courts were conversant with the Convention, whether the text had been translated into the languages used by such judges and whether they had been trained on how to interpret the concepts set out in the Convention and put them into effect.

42. Mrs. SANTOS PAIS, referring to the dowry, said that the freedom to marry went hand in hand with the freedom not to marry. She was afraid that the tradition of the dowry promoted early marriage. She also believed that girls should have the same status as boys.

43. Mr. HASHMI (Pakistan) said it was indeed desirable for girls to be able to choose, but it was not necessarily advantageous for some girls to remain single simply because their families could not provide an adequate dowry. After consulting the competent authorities, he would inform members of the Committee about the training of judges in family courts and their knowledge of the Convention.

44. The CHAIRPERSON invited members of the Committee to turn to questions relating to health, well-being and education.

45. Mr. MOMBESHORA, referring to article 24 of the Convention, asked how primary health-care services were organized and financed. Was there any legislation on the subject, as there was for immunization and maternity allowances?

46. The initial report of Pakistan (CRC/C/3/Add.13) indicated that the majority of infant deaths occurred among newborns, and that the rate of maternal mortality was high. That tended to suggest that antenatal and postnatal protection was inadequate. Was that because of bad resource management or lack of qualified staff? The report mentioned a programme of action aimed at eliminating certain neonatal diseases by the year 1995, and in that connection he asked whether birth attendants underwent training or still worked in the traditional manner. He would like additional information on the statistics in paragraph 111 of the initial report, which gave the impression that more doctors than nurses were trained in Pakistan. He would also like to know whether programmes had been set up to combat the malnutrition that constituted a serious problem, particularly after weaning.

47. Since the report referred to a high rate of population growth, the implementation of family planning programmes (contraception) would appear to be inadequate. Was that the result of a lack of organization or the force of tradition? Had other measures been envisaged?

48. Mrs. SANTOS PAIS said it was disturbing that, according to the initial report, rural rates of disability for children were double the urban rates. Were disabled children in rural areas subjected to discrimination? Referring to paragraph 137 of the report, she asked for clarification about the principles of Islam: did they provide for non-discrimination against disabled children? Were such children able to participate fully in the life of their society, as called for by the Convention?

49. Mr. HAMMARBERG said that, as far as disabled children were concerned, the problem was more one of law than of health. He had the impression that few disabled children were able to go to school, even though it was encouraging that programmes had been set up for them. According to a UNICEF document on the situation of women and children in Pakistan, which drew alarming conclusions, there was no institutional framework for programmes for disabled children. In his opinion, community health services would be best able to implement such programmes. He requested information on what had been done in that field.

50. Mrs. EUFEMIO asked what was the percentage of mentally retarded children among disabled children - such children should be given special consideration.

51. Mr. HASHMI (Pakistan) said he could not provide a detailed answer to the question on health services until he had contacted his country's authorities. Health policy was laid down by the federal government, although the local authorities carried it out as they deemed appropriate. Hospitals and medical schools were likewise administered at the local level.

52. In response to Mr. Hammarberg's questions, he said he agreed that the figures published by UNICEF were disturbing, but he would have to consult the competent authorities before he could give a reply. Referring to preventive

measures against tetanus, for example, he said that 71 per cent of all children aged less than 12 months had been vaccinated: the progress made in that area was praiseworthy.

53. It was true that more doctors than nurses were trained, yet even though more and more medical schools had opened up recently, there was still only 1 physician for every 200,000 persons. Physicians preferred to work in cities owing to a lack of infrastructure in rural areas. He would provide more details on that subject after having consulted the national authorities. He did not have much information on family planning, but he could say that remarkable results had already been achieved. Tradition, religious practices and economic difficulties incited families to have many children, particularly boys, who could help support the family at a later stage. As a result, demographic growth accelerated, with a corresponding increase in related problems.

54. There were centres for orphans and disabled children in Pakistan, as well as schools in mosques. Blind children could undergo religious instruction in such schools and acquire knowledge which they could subsequently transmit to others. At all events, disabled children were not in a class apart. He had noted the Committee's recommendations and would transmit them to his national authorities so that they might be duly taken into account. Finally, he had no statistics on the mentally handicapped.

55. Mr. MOMBESHORA asked for further information on health-sector financing (annual budget, breakdown of funding for health by region, ratio of health-care expenditure to GDP, etc.). He would also like to know if any steps were taken to increase the number of general practitioners in rural areas. Finally, he would like to know whether any legislation in Pakistan covered all branches of the health-care sector.

56. Mrs. SANTOS PAIS said she was extremely concerned over the fate of disabled children who were cared for in religious institutions and over the fate of disabled girls, who were often hidden away by their families. She asked what Pakistan intended to do to improve the situation of such children.

57. Mr. HAMMARBERG said the low rate of school attendance among girls in Pakistan was deplorable: according to the UNICEF document to which he had already referred, the literacy rate among girls was among the lowest in the world. The high drop-out rate was apparently largely attributable to the great number of children suffering from slight mental retardation or vision and hearing difficulties. The low salaries paid in the teaching profession apparently turned away qualified individuals. He asked whether steps were being taken to consolidate the primary education system in Pakistan and to set up an emergency action programme for dealing with all those problems on a comprehensive basis.

58. Mr. HASHMI (Pakistan) acknowledged that the concerns raised by the various members of the Committee were unfortunately justified, but stressed that they related to social rather than political phenomena. The teaching profession might be made more attractive by a better influx of resources. A new educational policy had been launched in 1992, providing for compulsory education free of charge for all children aged five to nine years. In the

provinces of Punjab and Sindh, primary education was mandatory under the law. Despite some improvements at the legislative level, however, the application of the law was still often inconsistent, and action remained severely circumscribed. He had noted the constructive criticisms made by members of the Committee and assured them that his Government would do everything possible to improve conditions in the health and educational sectors.

59. Mrs. SANTOS PAIS drew attention once again to discriminatory treatment of girls in Pakistan. Efforts must be made to reduce the disturbingly high drop-out rate for girls and to give women a larger role in society, notwithstanding the socio-cultural traditions of the country. Privatization of primary schooling might make it possible to achieve the objective of education for all by the year 2000, but she feared that it would operate to the detriment of the most impoverished strata of society. Finally, attention should be given to the gap between military expenditure and funding for education and health.

60. Mr. HASHMI (Pakistan) said that in theory he shared the concerns expressed by Mrs. Santos Pais, but pointed out that, in practice, it was extremely difficult to ensure that girls attended school. Women were now playing a much larger role in Pakistan society, particularly in the health and educational sectors, as employees of airline companies etc., and they were thus helping to improve the national economy. He nevertheless acknowledged that there were still considerable efforts to be made, especially in rural areas, although it was often impossible to take certain steps without undermining sectors of vital importance for the national security.

61. The CHAIRPERSON, speaking as a member of the Committee, said that even if primary education was privatized, informal arrangements or rudimentary facilities accessible to children from impoverished families could also be set up. Awareness campaigns must be carried out to impress the value of education upon parents who were often illiterate.

62. Mrs. EUFEMIO asked whether the Ministry of Education had set up some kind of small-scale model programme to promote the development of the child's personality, proclivities and mental and physical capacities and to teach him to respect human rights and fundamental freedoms, honour his parents and to appreciate all the values enshrined in article 29 of the Convention on the Rights of the Child. She would also like to know whether practical measures were being adopted to involve families in the educational process, inter alia through television and other media.

63. Mr. HAMMARBERG noted that, according to the UNICEF document he had already mentioned, Pakistan had received US$ 1 billion to improve its primary educational facilities. He hoped tangible results could soon be discerned in that area.

64. Mr. HASHMI (Pakistan) acknowledged that it was up to the State to assume responsibility for education: nevertheless, the State could not provide for the education of all children, and it therefore preferred to undertake a privatization effort that would supplement the public contribution. He

promised that his Government would look into the best possible way of using the funds referred to in the UNICEF report. Informal educational opportunities had been made available for adults (Allama Iqbal Open University). Finally, he hoped that the various measures adopted at the governmental and local levels would make it possible to reduce illiteracy and to improve the overall educational level in Pakistan, thereby ensuring a better life for future generations.

65. The CHAIRPERSON invited the Committee to continue its consideration of the initial report of Pakistan (CRC/C/3/Add.13) at the next meeting.

The meeting rose at 1 p.m.